



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/07/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.8920 of 2021

R.Kirubanithi

... Petitioner/Accused No.3

Vs

The State rep.by
The Inspector of Police,
Thoothiyam Police Station,
Trichy District.
(Crime.No. 136/2021).

... Respondent/Complainant

For Petitioner : Mr.R.Mathiyalagan,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

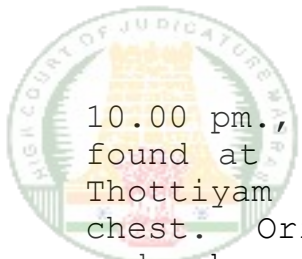
PRAYER :-

For Bail in Crime No.136 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested on 10.04.2021 for the offences punishable under Sections 302,147,148, 294(B),323,324,341 and 506(ii) of IPC in Crime No.136 of 2021 on the file of the respondent police, seeks bail.

2. The defacto complainant is the second wife of Rajamanikkam. Rajamanikkam's first wife died 12 years back. He had two sons and one daughter through his first wife. Perumal @ Vairavaperumal son of his first wife was living with his grand mother Kothammal at Thootiyam. His son Kumar was living with the defacto complainant and was studying 12th standard. The defacto complainant went to Kosavapatti along with kumar for participating in a festival on 01.04.2021 and came home on 02.04.2021. On 03.04.2021 Kumar had again gone to Thottiyam festival and did not return back even after



10.00 pm., Later she was informed by one Nandakumar that he son was found at Thottiyam East street with stab injuries. She visited Thottiyam hospital and found her son with stab injuries on his chest. Originally the case was registered under Section 302 of IPC and subsequently it has been altered to Sections 302,147,148,294(b), 323,324,341 and 506(ii) of IPC. According to the case of the prosecution the petitioner is one of the accused and the overt act attributed against him is that he attacked the deceased with wooden log.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that A5, A6, A7 and A9 were arrested and released on bail. He would further submit that the petitioner is in judicial custody from 10.04.2021, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent opposed for granting bail to the petitioner. However he would submit that the investigation is almost completed.

5. It is case of murder. The role played by the petitioner is that he had only given a blow with wooden log.

6. Taking note of the fact and circumstances of the case and also the fact that the substantial portion of the investigation might have been completed by this time and the fact that the petitioner is in judicial custody from 10.04.2021, this Court is inclined to grant bail to the petitioner

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Musiri, Trichy District and on further condition that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 am., until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions



have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
07/07/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1.THE JUDICIAL MAGISTRATE,
MUSIRI, TRICHY DISTRICT.
- 2.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT.
- 3.THE SUPERINTENDENT,
CENTRAL JAIL, TRICHY.
- 4.THE INSPECTOR OF POLICE,
THOOTHIAM POLICE STATION, TRICHY DISTRICT.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8920 of 2021
Date :07/07/2021

AAV
AE/MNR/SAR-V/07.07.2021/3P/6C